

Waste Compliance and Mitigation Program Staff Report
New Full Solid Waste Facilities Permit for the Inland Empire Environmental
SWIS No. 36-AA-0453
September 13, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the San Bernardino County Local Enforcement Agency (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a new Full Solid Waste Facilities Permit (SWFP) for Inland Empire Environmental, SWIS No. 36-AA-0453, located in San Bernardino County, operated by Inland Empire Environmental, Inc., and the property owner is 55 Tippecanoe Ave, LLC. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed permit was initially received on April 29, 2010. On June 7, 2010, the proposed permit was returned to the LEA at their request. A proposed permit was received on September 7, 2010. Action must be taken on this permit no later than November 6, 2010. If no action is taken by November 6, 2010, the Department will be deemed to have concurred with the issuance of the new proposed permit.

Proposed Permit

Following are the parameters of the proposed project:

	Proposed Permit (New)
Activities	Transfer Processing Facility
Name of Facility	Inland Empire Environmental
Name of Operator	Inland Empire Environmental Inc.
Name of Owner	55 Tippecanoe Ave, LLC
Location	1150 & 1250 S. Tippecanoe Ave. San Bernardino, CA
Area	6.12 acres
Hours/Days of Operations	24 hours, 7 Days a week
Maximum Tonnage	900 Tons Per Day (TPD)
Maximum Traffic Volume	193 Vehicles Per Day

Findings:

All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings are summarized in the table below. The documents on which staff's findings are based have been provided to the Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the WCMP Program.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification in their permit submittal package dated September 7, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA originally submitted a proposed solid waste facilities permit on April 29, 2010. On June 7, 2010, the proposed permit was returned to the LEA at their request. Department staff received a revised version of the proposed permit on September 7, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on September 7, 2010 provided a finding that the facility is consistent with PRC 50001 and WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Countywide Non-Disposal Facility Element as described in their memorandum dated September 16, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on September 7, 2010 that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations Consistent with State Minimum Standards	The facility is currently operating as a recycling center and is therefore not inspected at this time. Department staff determined that the design and operations described in the submitted Transfer/Processing Report, dated January 19, 2010 (revised August 2010), would allow the proposed facility to comply with all state minimum standards. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The LEA and the Department posted the public notice dated March 1, 2010 regarding the proposed new permit. The required informational meeting was conducted by the LEA on March 16, 2010. No oral or written comments were received by the LEA or Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	The Department is a responsible agency under CEQA with respect to this project, a proposed new Solid Waste Facilities Permit. WCMP staff have determined that the CEQA record can be used to support the Deputy Director's action on the proposed new permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

Currently, the applicant /proposed operator is operating a recycling center. The material entering the site is source separated, less than 10% residual and has less than 1% putrescibles. The recycling center has been operating since 2008 and processes a maximum of 400 tons of

recyclable material per day. A site visit by the LEA and Department staff was completed on April 28, 2010.

Department staff determined that the design and operations described in the submitted Transfer/Processing Report, dated January 19, 2010 (revised August 2010), would allow the proposed facility to comply with all state minimum standards.

Environmental Analysis:

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Solid Waste Facilities Permit before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of San Bernardino, Development Services Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

Inland Empire Environmental, Inc. currently operates under a Conditional Use Permit issued by the City of San Bernardino on June 17, 2008. They operated as a "single-stream" recycler; initially at 400 tons per day. The proposed Solid Waste Facilities Permit presently under consideration is for the expansion of the existing Materials Recovery Facility, increasing tonnage, types of materials received, expanding their operations to an additional building and seeking 24 hours per day/7days per week operation.

The City of San Bernardino, Development Services Department, prepared a Mitigated Negative Declaration for the proposed project, the expansion of the operations at 1150 South Tippecanoe Avenue in the City of San Bernardino. The Mitigated Negative Declaration originally was not circulated statewide as required by CEQA Guidelines Section 15205. The Addendum and Mitigated Negative Declaration, State Clearinghouse No. 2010061072, titled "First and Second Addendum to Previously Approved Mitigated Negative Declaration for TPM 17132 and 17133," was circulated for Public and State Agency review for a 30-day period; from June 23, 2010 through July 22, 2010. The Addendum outlined slight modifications to the original Project Description and Initial Study to assess whether or not the use of the proposed facility was consistent with the conclusions of the original Mitigated Negative Declaration. The Addendum and Mitigated Negative Declaration was adopted by the City of San Bernardino City Council on July 28, 2010.

The Mitigated Negative Declaration identified Aesthetic, Air Quality, Cultural Resources, Hydrology and Water Quality, Noise, Public Services (fire, police, schools, parks and other governmental services), Transportation/Traffic, Utility and Service Systems as potentially significant, but with mitigation measures incorporated, were less than significant. The Addendum stated that after reviewing findings made in 2006, determined that the proposed expansion "will not result in any new or significantly different impacts compared to those identified and/or mitigated in the previously approved IS/MND." Department staff considered the environmental effects of the project as set out in the Mitigated Negative Declaration and Addendum in reaching its recommendation that the Department concur in the proposed Solid Waste Facilities Permit for Inland Empire Environmental.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Mitigated Negative Declaration and Addendum as prepared by the City of San Bernardino, Development Services Department, in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed Solid Waste Facilities Permit.

Department staff further recommends the Addendum and Mitigated Negative Declaration is adequate for the environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Addendum and Mitigated Negative Declaration, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 72). Census information indicates that the surrounding population is approximately 43.1% white, 8.8% black or African American, 1.3% American Indian & Alaska Native, 22.3% Asian, 0.5% Native Hawaiian & other Pacific Islander, 6.9% "two or more races" and 17.1% "some other race". 39.5% of the total population described themselves as Hispanic or Latino. 22 % of the families in the Census Tract were below the poverty level. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

The LEA held a public informational meeting on March 16, 2010, at 1250 South Tippecanoe Avenue in the City of San Bernardino. No members of the public were in attendance. No oral or written comments were received by the Department or LEA staff.

The Department staff provided an opportunity for public comment during the WCMP workshop on May 10, 2010 and September 13, 2010.

Department Staff Actions:

Staff has worked with the LEA throughout the permit process by providing comments on permitting documents and attending the public informational meeting where the project was discussed.